

**ARTICLE 25.** To see if the Town will vote to:

- (1) authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land located at 900 Worcester Street for the purposes of constructing a recreational facility on such terms and conditions, including dollar amounts, as said Board deems to be in the Town's interest; and
- (2) amend the Zoning Bylaw by adding a new section, Commercial Recreation Overlay District, for the same parcel of land, or take any other action in relation thereto.
- (3) amend the Zoning Map of the Town of Wellesley, Massachusetts by overlaying the new Commercial Recreation Overlay District on the parcel located at 900 Worcester Street (Assessor's Parcel ID# 192-10) totaling approximately 341,802 square feet, or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 30.** To see if the Town will vote to amend the Zoning Bylaw by adopting new Section XXII.E. Temporary Moratorium on Marijuana Establishments, to read as follows:

A. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The law provides that it is effective on December 15, 2016, and that a new state agency, the Cannabis Control Commission (CCC), is required to issue regulations regarding implementation by September 15, 2017.

The regulation of such Marijuana Establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning Bylaw to regulate Marijuana Establishments. The temporary moratorium provided in Section XXII.E. is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning Bylaw provisions in a manner consistent with sound land-use planning objectives.

B. Definition. As used in Section 5.6.6, the term “Marijuana Establishment” shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through August 31, 2018, unless extended, continued, or modified as a subsequent Town Meeting. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning Bylaw governing the location, operation and effects of Marijuana Establishments for consideration by the 2018 Annual Town Meeting.

or take any other action in relation thereto.

**(Board of Selectmen)**

**ARTICLE 31.** To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to allow for the installation of large-scale ground-mounted solar photovoltaic installations within the Town of Wellesley by amending Section IA. Definitions and by adding a new Section XIVH. Large Scale Solar Overlay District to read substantially as follows:

**1. Amend Section IA, Definitions, of the Zoning Bylaw by adding the following term and definition:**

Large-Scale Ground-Mounted Solar Photovoltaic Installation - A solar photovoltaic system that is structurally mounted on the ground (i.e. not roof-mounted) and has a minimum output of electric power production in Direct Current (i.e. Rated Nameplate Capacity) of 250 kW DC.

**2. Amend the Zoning Bylaw by adding the following new Section XIVH:**

#### SECTION XIVH. LARGE-SCALE SOLAR OVERLAY DISTRICT

A. Purpose

The purpose of this bylaw is to establish an overlay zoning district which allows for the creation of Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

B. Applicability

The district shall be shown on the Zoning Map of the Town of Wellesley, Massachusetts and shall be considered as overlaying other existing zoning districts. This overlay zoning district shall not prohibit the development of uses or property consistent with the applicable underlying/base zoning district.

C. Use Regulations

In the Large-Scale Solar Overlay District, the following specified uses may be allowed, as prescribed; such uses may be allowed in conjunction with other uses of the property:

1. Permitted Uses

a. Large-Scale Ground-Mounted Solar Photovoltaic Installation; such use shall be subject to the following requirements:

i. Setback/Yard Requirements:

Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a lot located in the Conservation

District or Single Residence District zoning district, the front yard shall not be less than 50 feet.

Side yard: Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the side yard shall not be less than 50 feet.

Rear yard: The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the rear yard shall not be less than 50 feet.

ii. Accessory Structures:

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

iii. Lighting:

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

iv. Signage:

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section XXIIA, Signs, of the Zoning Bylaw, as required. At a minimum, signage shall be required identifying the owner of the facility and providing a 24-hour emergency contact phone number.

v. Utility Connections:

All utility connections from the solar photovoltaic installation must be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

vi. Emergency Services:

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

vii. Land Clearing, Soil Erosion and Habitat Impacts:

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

viii. Monitoring and Maintenance:

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

ix. Abandonment or Decommissioning

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Zoning Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or

operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

D. Project Approval

For the purposes of Section XVIA, Project Approval, the construction of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered to be a Major Construction Project, and therefore subject to Site Plan Review as specified in Section XVIA. Further, all material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall require approval by the Zoning Board of Appeals.

In addition to other requirements, applications for Site Plan Review for a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall meet the following requirements; the Zoning Board of Appeals may waive any of these requirements as it deems appropriate:

1. General: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: Pursuant to the site plan review process, the project proponent shall provide the following documents:
  - a. A site plan showing:
    - i. Property lines and physical features, including roads, for the project site;
    - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
    - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
    - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
    - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
    - vi. Name, address, and contact information for proposed system installer;

- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
- viii. The name, contact information and signature of any agents representing the project proponent.
- b. Documentation of actual or prospective access and control of the project sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- c. An operation and maintenance plan, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- d. Proof of liability insurance.
- e. A public outreach plan, including a project development timeline, which indicates how the project proponent will inform abutters and the community.
- f. For interconnected customer-owned generators, evidence that the Wellesley Municipal Light Plant has been informed of the owner or operator's intent to install the facility; off-grid systems are exempt from this requirement.

and by amending the Zoning Map of the Town of Wellesley, Massachusetts by overlaying the new Large-Scale Solar Overlay District on the parcel of land located at the Route 9 and 128 Cloverleaf on Worcester Street (Assessor's Parcel ID# 4-6) totaling approximately 235,028 square feet;

or take any other action in relation thereto.

**(Sustainable Energy Committee)**

**ARTICLE 32:** To see if the Town will vote to amend Section XVID, Large House Review, of the Zoning Bylaw to modify the definition of Total Living Area plus Garage Space ("TLAG") and to remove an exemption under subsection C., as follows. These amendments to be effective as of July 1, 2017:

- **By amending Section XVID.B., *Definitions*, by deleting the definition of Total Living Area plus Garage Space in its entirety, and replacing it with the following:**

Total Living Area plus Garage Space - This term includes:

- (i) The sum of the floor area(s) of the above-grade floors, including portions of attics, in structures used as one-family dwellings and detached accessory structures related to such use on a lot, measured from the exterior face of the exterior walls;
- (ii) Floor area(s) of portions of attic(s) with an interior roofline height of 5 ft. or greater;

Figure 1. Attic TLAG Illustration – Gable Roof

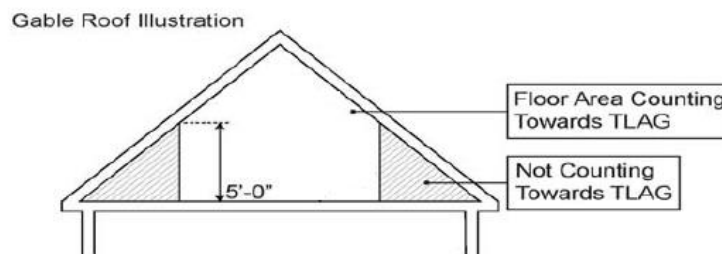


Figure 1: Gable Section

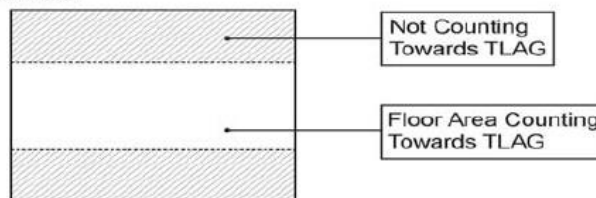


Figure 2: Gable Roof Attic Plan

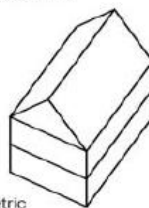


Figure 3: Gable Isometric



Figure 2. Attic TLAG Illustration – Hip Roof

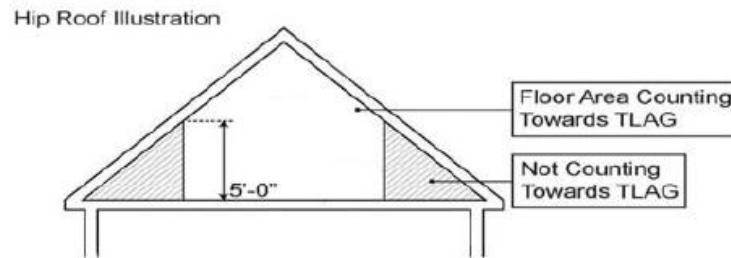


Figure 1: Hip Roof Section

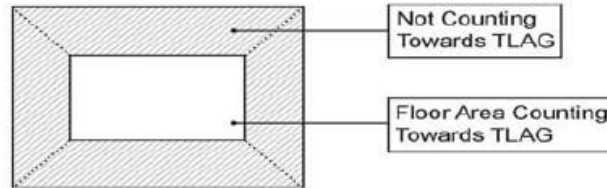


Figure 2: Hip Roof Attic Plan

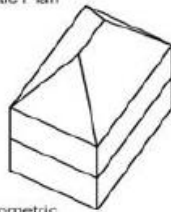


Figure 3: Hip Roof Isometric

- (iii) Floor area of garage and storage space, whether as part of a one-family dwelling or in detached accessory structures; and
- (iv) Basement area multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.

- By deleting item 3. from Section XVID.C., *Applicability*, renumbering existing item 4. as new item 3. to account for said deletion, and placing a semicolon at the end of items 1. in place of the existing comma, and “; and” at the end of item 2. in place of the existing period.

or take any other action relative thereto.

(Planning Board)

**ARTICLE 33:** To see if the Town will vote to amend Section VII, Educational Districts, of the Zoning Bylaw to alter those uses allowed in the Educational Districts, Educational Districts A, and Educational Districts B, as follows:

- **By deleting items 1. through 4. from Section VII.A., and inserting in their place the following:**

1. Permitted Uses

- a. Educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a non-profit educational corporation, including, but not limited to, classrooms, libraries, auditoriums, educational buildings, dormitories, recreational and sports fields and facilities, and other such accessory uses as are customary
- b. One-Family Dwellings, Two-Family Dwellings, Town Houses, and Multi-Family Dwellings for the housing of faculty, staff and/or employees of the educational institution and such accessory uses as are customary; provided, however, that Town Houses shall conform in all respects, with the exception of off-street parking, to the provisions of SECTION IIIA. TOWN HOUSE DISTRICTS, A., 2., and Multi-Family Dwellings shall conform in all respects, with the exception of off-street parking, to the provisions of SECTION VIA. LIMITED APARTMENT DISTRICTS A., 3.
- c. Religious purposes;
- d. Child Care Facility (defined to mean a "day care center" or a "school age child care program," as those terms are defined in Section 9 of Chapter 28A M.G.L.) as stipulated in Section II, Single Residence Districts, A.3A., a thru h.; and
- e. Club, except a club the chief activity of which is a service customarily carried on as a business.

2. Uses Requiring a Special Permit

The following additional uses may be allowed if a special permit is obtained as hereinafter provided in Section XXV, Special Permit Granting Authority:

- a. Public or semi-public institution of a philanthropic, charitable, or religious character;
- b. Municipally owned or operated public parking lot or other public use;
- c. Off-street parking as a non-accessory use, as stipulated in Section II, Single Residence Districts, A.8., j., (i). thru (v);

- d. Use by the Town of a building, structure or land for its Municipal Light Plant or its Water Works Plant; and
  - e. Such accessory uses as are customary in connection with any of the above uses and which are incidental to such uses.
- or take any other action relative thereto.

**(Planning Board)**

**ARTICLE 34:** To see if the Town will vote to amend the Zoning Map of the Town of Wellesley, Massachusetts by rezoning the following properties, as follows:

- a. To rezone the parcel located at 5 Grove Street and commonly known as Post Office Park (Assessor's Parcel ID# 123-86), totaling approximately 11,826 square feet, from the Wellesley Square Commercial District to the Conservation District;
- b. To rezone the parcel located at the intersection of Washington Street and Central Street and commonly known as Flag Pole Park (assessor's Parcel ID# 124-84), totaling approximately 7,902 square feet, from the Single Residence District and 10,000 Square Foot Area Regulations District to the Conservation District;
- c. To rezone the parcel located at the intersection of Grove Street, Central Street, and Railroad Avenue and commonly known as Central Park (Assessor's Parcel ID# 124-98), totaling approximately 16,052 square feet, from the Wellesley Square Commercial District to the Conservation District;
- d. To rezone the parcel located at the end of Fisher Avenue and commonly known as McKinnon Playground (Assessor's Parcel ID# 171-12), totaling approximately 3.91 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- e. To rezone the parcel located at 340 R Weston Road and commonly known as Overbrook Reservation (Assessor's Parcel ID# 181-106), totaling approximately 10.29 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- f. To rezone the parcel located at 50 Thomas Road and commonly known as Perrin Park (Assessor's Parcel ID# 191-76), totaling approximately 5.68 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- g. To rezone the parcel located at 929 Worcester Street and commonly known as Baird Marsh (Assessor's Parcel ID# 192-19), totaling approximately 5.29 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- h. To rezone the parcel located at 15 Upson Road and commonly known as Caspe Memorial (Assessor's Parcel ID# 198-6), totaling approximately 7,886 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- i. To rezone the parcel located along High Ledge Avenue and Overbrook Drive and commonly known as Overbrook Park East (Assessor's Parcel ID# 203-85), totaling approximately 31,135 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- j. To rezone the parcel located at 80 Overlook Drive and commonly known as Overbrook Park West (Assessor's Parcel ID# 204-18), totaling approximately

18,171 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;

- k. To rezone the parcel located at the intersection of Cedar Street and Charles Street commonly known as Ouellet Playground (Assessor's Parcel ID# 21-65), totaling approximately 1.06 acres, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- l. To rezone the parcel located at 5 Madison Road and commonly known as the Rosemary Town Forest Trailhead (Assessor's Parcel ID# 23-3), totaling approximately 5,033 square feet, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Conservation District;
- m. To rezone the parcel located along Hillside Road and commonly known as Indian Springs Park East (Assessor's Parcel ID# 52-40), totaling approximately 3.82 acres, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Conservation District;
- n. To rezone the parcel located along Croton Street and commonly known as Indian Springs Park West (Assessor's Parcel ID# 62-4), totaling approximately 1.43 acres, from the Single Residence District and 15,000 Square Foot Area Regulation District to the Conservation District;
- o. To rezone the parcel located at 40 Colburn Road and commonly known as Brown Park (Assessor's Parcel ID# 73-52), totaling approximately 2.95 acres, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Conservation District;
- p. To rezone the parcel located at 35 Laurel Avenue and commonly known as Shaw Common (Assessor's Parcel ID# 75-37), totaling approximately 20,670 square feet, from the Single Residence District and 10,000 Square Foot Area Regulation District to the Conservation District;
- q. To rezone the parcel located at the intersection of Great Plain Avenue and Brook Street and commonly known as Fuller Brook Land (Assessor's Parcel ID# 78-17), totaling approximately 5.45 acres, from the Single Residence District and 20,000 Square Foot Area Regulation District to the Conservation District;

or take any other action relative thereto.

**(Planning Board and Natural Resources Commission)**

**ARTICLE 35:** To see if the Town will vote to amend Section XIVC, Conservation Districts, of the Zoning Bylaw as follows:

- By changing the title of the District and Section from “Section XIVC. *Conservation Districts.*” to “Section XIVC. *Parks, Recreation, and Conservation Districts.*”
- By deleting Section XIVC.A. and Section XIVC.B in their entirety and inserting in their place the following:

A. Purpose and Intent

The Parks, Recreation, and Conservation district is intended to encompass land devoted to parks, recreation, and conservation uses, and closely related uses.

B. Use Regulations

Within the Parks, Recreation, and Conservation district, no land and/or structure shall be used for any purpose except as follows. Any use not specifically designated as a permitted use or as a use allowed by a special permit or with Town Meeting approval, shall be prohibited:

1. Permitted Uses

- a. Conservation of soil, water, plants and wildlife, including wildlife management shelters;
- b. Outdoor passive and active recreation, including play and sporting areas, nature study, boating, fishing, foot bridges, plank walks, foot paths and bicycle paths. Play areas may include playgrounds and play structures; sporting areas may include goals, fences, dugouts, and other similar structures commonly associated with outdoor sports;
- c. Dams and other water control devices, including temporary alteration of the water level for agricultural, emergency or maintenance purposes, or for the propagation of fish;
- d. Forestry, grazing, farming, nurseries, truck gardening and harvesting of crops, and non-residential buildings or structures used only in conjunction with harvesting or storage of crops raised on the premises; and
- e. Lawns, flower or vegetable gardens.

2. Uses Requiring a Special Permit

The following additional uses may be allowed if a special permit is obtained as hereinafter provided in Section XXV, Special Permit Granting Authority:

- a. Driveways and parking areas, as defined by Section XXI, Off-Street Parking;
- b. Dams, excavations, or changes in watercourses to create ponds, pools for swimming, fishing, wildlife or other recreational or agricultural uses, scenic features, or for drainage improvements; and
- c. Municipal and public uses other than permitted park, recreation, and conservation uses.

C. Project Approval

The provisions of Section XVIA, Project Approval, shall apply to properties and uses in the Parks, Recreation, and Conservation Districts.

or take any action relative thereto.

**(Planning Board)**

**ARTICLE 36:** To see if the Town will vote to amend the Zoning Map of the Town of Wellesley, Massachusetts by rezoning the following properties, as follows:

To rezone the following properties, or parts thereof, from the Zoning Districts erroneously designated when the Town adopted the current digital Zoning Map to the Zoning Districts last designated by Town Meeting, as specified:

- a. To rezone the parcel located at 119 Crest Road (Assessor's Parcel ID# 123-4), totaling approximately 7,705 square feet, from the General Residence District and Single Residence District and 10,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Single Residence District and 10,000 Square Foot Area Regulation District in its entirety, in accordance with the last prior action of Town Meeting with respect to the zoning of this parcel;
- b. To rezone the parcel located at 402 Washington Street (Assessor's Parcel ID# 86-3), totaling approximately 6,810 square feet, from the General Residence District and Business District, an error depicted on the current Zoning Map, to the Business District in its entirety, in accordance with the last prior action of Town Meeting with respect to the zoning of this parcel;
- c. To rezone seven (7) parcels, or portions thereof, along Eaton Court (Assessor's Parcel ID# 64-29, 64-30, 64-31, 64-32, 64-33, 64-34, 64-35), the area to be rezoned totaling approximately 19,417 square feet, from the Single Residence District and 20,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Single Residence District and 10,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the zoning of these parcels;
- d. To rezone a portion of the parcel located at 888-892 Worcester Street (Assessor's Parcel ID# 182-40), the area to be rezoned totaling approximately 22,438 square feet, from the Administrative and Professional District, an error depicted on the current zoning map, to the Single Residence District and 10,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the underlying zoning of this area; this change would not affect the parcel's location in the Water Supply Protection District overlay district; and
- e. To rezone the parcel located at 15 Weston Road (Assessor's Parcel ID# 124-46), the area to be rezoned totaling approximately 6,106 square feet, from the Town House District, an error depicted on the current zoning map, to the Single Residence District and 10,000 Square Foot Area Regulation District, in accordance with the last prior action of Town Meeting with respect to the underlying zoning of this area; this change would not affect the parcel's location in the Historic District overlay district.

To rezone the following properties, so as to formally adopt and accept certain inadvertent errors associated with the switch to the current digital Zoning Map, as specified:



- f. To rezone a portion of the parcel located at 1 Westgate (Assessor's Parcel ID# 156-21), the area to be rezoned totaling approximately 9,963 square feet, to the Conservation District, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of this area had placed it in the Single Residence District and 20,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- g. To rezone two (2) parcels located along White Oak Road (Assessor's Parcel ID# 94-17-A, 94-17), the area to be rezoned totaling approximately 47,996 square feet, to the Single Residence District and 20,000 Square Foot Area Regulation District, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of this area had placed it in the Conservation District;
- h. To rezone three (3) parcels along Falmouth Road and Yarmouth Road (Assessor's Parcel ID# 144-17, 145-49, 145-31), the area of parcels to be rezoned totaling approximately 97,459 square feet, to the Single Residence District and 30,000 Square Foot Area Regulation District in their entirety, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of these parcels had placed them in the Single Residence District and 20,000 Square Foot Area Regulation District and 30,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district;
- i. To rezone two (2) parcels along Falmouth Road and Yarmouth Road (Assessor's Parcel ID# 145-47, 145-32), the area of the parcels to be rezoned totaling approximately 55,602 square feet, to the Single Residence District and 20,000 Square Foot Area Regulation District in their entirety, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting with respect to the underlying zoning of these parcels had placed them in the Single Residence District and 20,000 Square Foot Area Regulation District and 30,000 Square Foot Area Regulation District; this change would not affect the parcel's location in the Water Supply Protection District overlay district; and
- j. To rezone two (2) parcels on Washington Street and Schaller Street (Assessor's Parcel ID# 177-13, 177-5) and a portion of a parcel on Schaller Street (Assessor's Parcel ID# 177-14), the area to be rezoned totaling approximately 56,036 square feet, to the Single Residence District and 40,000 Square Foot Area Regulation District, as shown on the current Zoning Map, notwithstanding that the last prior action of Town Meeting had placed these parcels, or portions thereof, in the Single Residence District and 15,000 Square Foot Area Regulation District and 40,000 Square Foot Area Regulation District.

To rezone the following properties from Zoning Districts as erroneously shown on the current Zoning Map and/or Zoning Districts as previously intended by the Town to Zoning Districts as specified:

- k. To rezone three (3) parcels located along Schaller Street (Assessor's Parcel ID# 177-4, 177-4-A, 177-16), the area of the parcels to be rezoned totaling approximately 56,094 square feet, from the Single Residence District and 40,000 Square Foot Area Regulation District, an error depicted on the current Zoning Map, to the Single Residence District and 15,000 Square Foot Area Regulation District in their entirety, a change that is more consistent with the previous intent of Town Meeting;

or take any action relative thereto.

**(Planning Board)**

**ARTICLE 37:** To amend the Zoning Bylaw by adding a new section, Section XVIG, Outdoor Lighting, to regulate the installation and use of outdoor lighting in association with certain projects.

To see if the Town will vote to amend the Zoning Bylaw by adopting new Section XVIG, Outdoor Lighting, to regulate the installation and use of outdoor lighting in association with certain projects, as follows. This amendment to be effective as of July 1, 2017:

## SECTION XVIG. OUTDOOR LIGHTING

### A. TITLE

The Section shall hereafter be known and cited as the “Town of Wellesley Outdoor Lighting Bylaw” or “Outdoor Lighting Bylaw.”

### B. PURPOSE AND INTENT

The purpose of this Section is to enhance public safety by providing for adequate and appropriate outdoor lighting, protect community character, promote energy conservation, protect against light trespass and glare, protect the privacy of residents, and minimize sky glow.

### C. DEFINITIONS

**Cutoff Angle** - The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

**Direct Light** - Light emitted from the lamp, off the reflector or reflector diffuser or through the refractor or diffuser lens, of a luminaire.

**Fixture** - The assembly that houses a lamp or lamps and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

**Footcandle** - A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

**Fully Shielded Luminaire** - A lamp and fixture assembly designed with a cutoff angle of 90 degrees or less so that no direct light is emitted above a horizontal plane.

**Glare** - Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer’s ability to see.

**Height of Luminaire** - The vertical distance from the finished grade of the ground directly below to the lowest direct-light-emitting part of the luminaire.

**Lamp** - The component of a luminaire that produces the actual light.

Light Trespass - The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located.

Lumen - A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For the purposes of this Section, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

Luminaire - A complete lighting system, including a lamp or lamps and a fixture.

Sky Glow - Brightening of the night sky

#### D. APPLICABILITY

The provisions of this Section shall apply to the following project types which include the proposed installation of one or more outdoor luminaires for exterior lighting:

1. Major Construction Project and Minor Construction Projects, as defined by Section XVIA, Project Approval;
2. The construction of new single family dwellings or alterations of single family dwellings which require Large House Review, as required by Section XVID, Large House Review; and
3. Design Review and/or Special Permit applications for externally illuminated signs, as required and defined by Section XXIIA, Signs.

Where these regulations are more specific and/or more restrictive with respect to lighting associated with an applicable project type for which other standards may exist within the Zoning Bylaw, the regulations contained in this Section shall take precedence.

#### E. ADMINISTRATION

For the project types subject to the provisions of this Section, the following information shall be submitted, except to the extent as such information may be waived by the Design Review Board, Planning Board, or Zoning Board of Appeals, as applicable:

1. Information identifying the location, orientation, height, and type of outdoor luminaires to be installed;
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. Information identifying the type of lamp, such as light emitting diode ("LED"), metal halide, compact fluorescent, high pressure sodium, and the associated Color Rendering Index (CRI) of the lamp;

4. A photometric plan showing the intensity of illumination expressed in foot-candles at ground level within the interior of the property and at the property boundaries; and
5. Sufficient evidence to confirm that all proposed outdoor luminaires and lighting conditions comply with subsection F., General Regulations, of this Section.

**F. GENERAL REGULATIONS**

All exterior luminaires and/or the outdoor lighting conditions associated with the project types subject to the provisions of this Section, shall comply with the following regulations, unless otherwise specified:

1. Wall-Mounted Fixtures: Luminaires attached to the exterior of a building or structure shall be mounted no higher than fifteen (15) feet above grade and shall be fully shielded.
2. Ground-Mounted Fixtures: Luminaires mounted on the ground, including on poles, shall have a height no greater than ten (10) feet when associated with a single family use, and a height no greater than twenty (20) feet when associated with all other uses; such luminaires shall be fully shielded.
3. Lighting Levels and Light Trespass Limitations: Exterior lighting shall not exceed the following levels on the ground or exceed the light trespass limits specified:

<b>TABLE XVIG.1, LIGHTING LEVELS AND LIGHT TRESPASS LIMITATIONS</b>		
<b>Use</b>	<b>Maximum Footcandles</b>	<b>Maximum Light Trespass*</b>
Single Family Residential Uses	5	0.5
All Other Uses	30	1.0
*The maximum footcandles allowable at all property lines, including property lines along a public or private street or way.		

4. Prohibited: Luminaires shall be prohibited from being mounted to or otherwise attached to any trees or similar vegetation.

**G. SPECIAL PERMITS**

1. Major Construction Projects, Minor Construction Projects, and Signs: In the case of such projects which incorporate one more outdoor luminaires not meeting the requirements of paragraph F., General Regulations, the Zoning Board of Appeals may grant a Special Permit, per Section XXV, Special Permit

Granting Authority.

2. Large House Review: In the case of such projects which incorporate one more outdoor luminaires not meeting the requirements of paragraph F., General Regulations, the Planning Board may grant a Special Permit, per Section XXV, Special Permit Granting Authority, in conjunction with the consideration of an application under Section XVID, Large House Review.
3. Standards: In addition to those standards specified in Section XXV, Special Permit Granting Authority, in considering the issuance of a Special Permit from the requirements of this Section, the applicable Special Permit Granting Authority shall make a finding that one or more of the following conditions are met:
  - a. The proposed lighting is necessary to enhance public safety;
  - b. The proposed lighting enhances community character or does not negatively impact community character; or
  - c. The proposed lighting does not establish conditions which involve unacceptable light trespass, glare, sky glow, or compromise the privacy of abutting property owners.

or take any action relative thereto.

**ARTICLE 42.** To see if the Town will vote to amend the Zoning Bylaws of the Town of Wellesley, Massachusetts (hereinafter referred to as “Zoning Bylaw”) to make changes thereto to minimize or reduce the impact of so-called “mansionization” of the Town due to large numbers of “tear-downs,” whereby existing single family dwellings are torn down and replaced with much larger homes, often times out of character with the surrounding dwellings and neighborhood, by a mixture of one or more revisions to, among other provisions of the Zoning Bylaw, the Ratio of Building to Lot Area as provided in SECTION XVIII, AREA REGULATIONS, the Minimum Frontage, Minimum Front Yard Width, Minimum Front Yard Depth, Minimum Side Yard Width and Minimum Rear Yard Depth, all as provided in SECTION XIX, YARD REGULATIONS, the Height limitations as provided in SECTION XX, HEIGHTS OF BUILDINGS OR STRUCTURES, and various provisions of SECTION XXIV, LARGE HOUSE REVIEW.

In addition, and without limiting the generality of the foregoing or the following, it is contemplated that amendments to any of the foregoing Sections of the Bylaw may require concurrent revisions to one or more of the following sections: SECTION IA, DEFINITIONS, SECTION XVIA, PROJECT APPROVAL, SECTION XVII, PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS, SECTION XXII, DESIGN REVIEW, SECTION XXIIB, SWIMMING POOLS, SECTION XXIID, RETAINING WALLS, and SECTION XXIV, PERMIT GRANTING AUTHORITY and any other relevant or impacted Sections of the Zoning Bylaw as it may be necessary or advisable to be amend in connection the proposed amendments contemplated by the foregoing, or as a result thereof.

**(Citizen Petition)**